

Part 11 Identity Fraud Act

76-6-1101 Identity fraud.

This part is known as the "Identity Fraud Act."

Enacted by Chapter 57, 2000 General Session

76-6-1102 Identity fraud crime.

- (1) As used in this part, "personal identifying information" may include:
 - (a) name;
 - (b) birth date;
 - (c) address;
 - (d) telephone number;
 - (e) drivers license number;
 - (f) Social Security number;
 - (g) place of employment;
 - (h) employee identification numbers or other personal identification numbers;
 - (i) mother's maiden name;
 - (j) electronic identification numbers;
 - (k) electronic signatures under Title 46, Chapter 4, Uniform Electronic Transactions Act;
 - (l) any other numbers or information that can be used to access a person's financial resources or medical information, except for numbers or information that can be prosecuted as financial transaction card offenses under Sections 76-6-506 through 76-6-506.6; or
 - (m) a photograph or any other realistic likeness.
- (2)
 - (a) A person is guilty of identity fraud when that person knowingly or intentionally uses, or attempts to use, the personal identifying information of another person, whether that person is alive or deceased, with fraudulent intent, including to obtain, or attempt to obtain, credit, goods, services, employment, any other thing of value, or medical information.
 - (b) It is not a defense to a violation of Subsection (2)(a) that the person did not know that the personal information belonged to another person.
- (3) Identity fraud is:
 - (a) except as provided in Subsection (3)(b)(ii), a third degree felony if the value of the credit, goods, services, employment, or any other thing of value is less than \$5,000; or
 - (b) a second degree felony if:
 - (i) the value of the credit, goods, services, employment, or any other thing of value is or exceeds \$5,000; or
 - (ii) the use described in Subsection (2)(a) of personal identifying information results, directly or indirectly, in bodily injury to another person.
- (4) Multiple violations may be aggregated into a single offense, and the degree of the offense is determined by the total value of all credit, goods, services, or any other thing of value used, or attempted to be used, through the multiple violations.
- (5) When a defendant is convicted of a violation of this section, the court shall order the defendant to make restitution to any victim of the offense or state on the record the reason the court does not find ordering restitution to be appropriate.
- (6) Restitution under Subsection (5) may include:

- (a) payment for any costs incurred, including attorney fees, lost wages, and replacement of checks; and
- (b) the value of the victim's time incurred due to the offense:
 - (i) in clearing the victim's credit history or credit rating;
 - (ii) in any civil or administrative proceedings necessary to satisfy or resolve any debt, lien, or other obligation of the victim or imputed to the victim and arising from the offense; and
 - (iii) in attempting to remedy any other intended or actual harm to the victim incurred as a result of the offense.

Amended by Chapter 258, 2015 General Session

76-6-1103 Investigation of violation.

In addition to investigations conducted by law enforcement agencies, the Office of the Attorney General also has responsibility for investigating violations of this part where identity fraud is the primary violation that is alleged to have been committed.

Amended by Chapter 227, 2004 General Session

76-6-1104 Court records.

In any case in which a person commits identify fraud and uses the personal identifying information obtained to commit a crime in addition to the identity fraud, the court shall make appropriate findings in any prosecution of such a crime that the person whose identity was falsely used to commit the crime did not commit the crime.

Enacted by Chapter 57, 2000 General Session

76-6-1105 Unlawful possession of another's identification documents.

- (1) For purposes of this section "identifying document" means:
 - (a) a government issued identifying document;
 - (b) a vehicle registration certificate; or
 - (c) any other document containing personal identifying information as defined in Subsections 76-6-1102(1)(d) through (k).
- (2)
 - (a) Notwithstanding the provisions of Subsection 76-6-1102(3), a person is guilty of a class A misdemeanor if he:
 - (i) obtains or possesses an identifying document with knowledge that he is not entitled to obtain or possess the identifying document; or
 - (ii) assists another person in obtaining or possessing an identifying document with knowledge that the person is not entitled to obtain or possess the identifying document.
 - (b) A person is guilty of a third degree felony if he:
 - (i) obtains or possesses multiple identifying documents with knowledge that he is not entitled to obtain or possess the multiple identifying documents; or
 - (ii) assists another person in obtaining or possessing multiple identifying documents with knowledge that the person is not entitled to obtain or possess the multiple identifying documents.
 - (c) For purposes of Subsection (2)(b), "multiple identifying documents" means identifying documents of two or more people.

Enacted by Chapter 227, 2004 General Session